

Message Text

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ACTION NEA-16

INFO OCT-01 ISO-00 MC-02 ACDA-19 OMB-01 AID-20 IGA-02 SS-20

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FM AMEMBASSY ISLAMABAD

TO SECSTATE WASHDC 6569

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C O N F I D E N T I A L ISLAMABAD 8415

E.O. 11652: GDS

TAGS: MASS, PK

SUBJECT: SALE OF MK-44 TORPEDO TO PAKISTAN

REF: A. ODRP ISLAMABAD MSG 290352Z JUNE 74

B. ISLAMABAD MSG 6623, 11 JULY 74

C. SECSTATE MSG 162727, 26 JULY 74

1. FOREIGN SECRETARY AGHA SHAHI HAS MADE WHAT WAS FOR HIM AN UNUSUALLY EMOTIONAL APPEAL THAT WE RECONSIDER OUR REFUSAL TO LET PAKS BUY THE MARK-44 TORPEDO FROM THE BRITISH.

2. SHAHI SAID THAT HE HAS SELDOM SEEN PAK NAVAL AUTHORITIES SO CONCERNED ABOUT ANY MATTER. HE READ TO ME A PART OF THEIR PRESENTATION TO THE FOREIGN OFFICE ON THIS ISSUE ANFLIT CONTAINED STRONG LANGUAGE INDEED. THEY STATED THIS WAS A CARDINAL CASE IN WHICH U.S. POLICY WAS NOT EVENHANDED BETWEEN PAKISTAN AND INDIA AS THE LATTER HAD BEEN ABLE TO OBTAIN THIS TORPEDO FROM THE BRITISH AS WELL AS SEA KING HELICOPTERS EQUIPPED TO CARRY
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THE TORPEDO.

3. THE COMMUNICATION DEALT AT SOME LENGTH AS TO THE REASONS WHY OUR REFUSAL WAS SO UNFAIR TO THE PAKS. IT SAID THE PAK USE OF THIS TORPEDO WOULD BE FROM LAND-BASED,

SHORT-RANGE, HELICOPTERS WHICH WAS ADEQUATE PROOF THAT THEY COULD BE USED FOR DEFENSIVE PURPOSES ONLY. ON THE OTHER HAND THE INDIANS COULD PLACE THEIR HELICOPTERS ON AN AIRCRAFT CARRIER WHICH TURNED THEM INTO WEAPONS OF OFFENSIVE CAPABILITY. IT SAID INDIA ALREADY HAD SIX F CLASS SUBMARINES AND SOON WOULD HAVE EIGHT. THE INDIANS COULD OBVIOUSLY LAUNCH A FORMIDABLE ATTACK AGAINST PAKISTAN'S ONLY PORT, AND THE UNITED STATES POSITION OF REFUSING TO LET THE BRITISH PROVIDE THIS OBVIOUSLY DEFENSIVE WEAPON WAS HARDLY CONSISTENT WITH THE GOOD RELATIONS THE U.S. PROFESSED IT DESIRED WITH PAKISTAN. IT POINTEDLY REFERRED TO THE FACT THAT THE PAK NAVY WENT OUT OF ITS WAY TO RECEIVE WITH COURTEOUS FRIENDSHIP PERHAPS TWO U.S. SHIP VISITS A MONTH AND THAT THE U.S. NAVY HAD NOT BEEN DENIED FUELING FACILITIES IN KARACHI WHEN SUPPLIES WERE SO SCARCE DURING THE OIL SHORTAGE.

4. I TOLD SHAHI I WOULD OF COURSE REPORT HIS REMARKS AND WOULD ALSO RECHECK OUR FILES ON THIS SUBJECT TO SEE IF THERE MIGHT BE ANY CHANCE OF RECONSIDERATION.

5. IN OUR SUBSEQUENT CHECK OF OUR FILES, CERTAIN QUESTIONS AROSE WHICH WE BELIEVE ARE RELEVANT AS YOU RECONSIDER THE PROBLEM.

A. IT IS EVIDENT THAT BOTH PAK AND INDIA HAVE PURCHASED THE SEA KING HELICOPTER FROM THE UK. THE HELICOPTER IS EQUIPPED TO CARRY THE MK-44 TORPEDO. ARE THE INDIANS USING THEIR U.S. - AUTHORIZED (UK) MK-44S ON THEIR SEA KINGS, AND WERE THEY AUTHORIZED BY US TO DO SO?

B. IF THE INDIANS ARE USING MK-44S ON SEA KINGS, AS THE PAKS APPARENTLY ALLEGE, AREN'T THEY CORRESPONDINGLY CHARGING THAT WE ARE NOT BEING EVENHANDED, WHATEVER THE FINE PRINT IN THE POLICY CHANGES OF 1971 MAY SAY. PERHAPS ANOTHER WAY OF PUTTING IT IS "HOW PETTIFOGGING CAN THE APPLICATION OF POLICY GET?"

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6. WHETHER THE ANSWERS TO THE QUESTIONS POSED IN 5 (A) ABOVE ARE POSITIVE OR NEGATIVE, I WANT TO URGE THE DEPARTMENT TO RETHINK THE MARK-44 MATTER. I RECOGNIZE THAT STATE 162727 IS QUITE SPECIFIC IN ITS REFUSAL. I SENSE, HOWEVER, THAT THE DECISION IT RELAYED WAS BASED AS MUCH ON A NARROW LEGAL INTERPRETATION AS IT WAS ON WHAT MIGHT BE CALLED IMPLEMENTATION OF ESTABLISHED POLICY. IF I BELIEVE WE SHOULD MAKE A ONE-TIME EXCEPTION, IF NECESSARY, IN THIS CASE AND SUGGEST YOU TRY TO FIND A FRIENDLY LAWYER WHO MIGHT FIND A WAY. OUR RELATIONS WITH THE PAK NAVY HAVE BEEN EXCELLENT BUT I HAVE HEARD FROM SEVERAL SOURCES OF THEIR INTENSE CONCERN OVER THIS PARTICULAR DECISION.

IN RETHINKING THUTCASE, PLEASE ALSO TAKE INTO CONSIDERATION THAT THE PAKS PURCHASED THE HELICOPTERS THEY PLAN TO USE IN HARBOR DEFENSE AND ASW FROM THE BRITISH IN THE ERRONEOUS EXPECTATION THAT THEY COULD GET THE MARK-44. ALSO TAKE INTO ACCOUNT THE FACT THAT IF THEY HAD CHOSEN TO BE DISHONEST AND SOUGHT TO BUY THIS TORPEDO FOR USE ON PREVIOUSLY SUPPLIED U.S. NAVAL SEA-GOCVG EQUIPMENT, THEY COULD HAVE BOUGHT THE MARK-44 UNDER PRESET POLICY.

7. I BELIEVE THIS ISSUE WORTHY OF HIRM BLEVEL CONSIDERATION WITHIN THE DEPARTMENT. IF THE ANSWER STILL HAS TO BE NO I WOULD LIKE TO BE ASSURED THAT SUCH LEVELS HAVE HAD A CHANCE TO CONSIDER WHETHERIE ARE NOT IN THIS CASE BEING JUST TOO RIGID IN APPLICATION OF POLICY.
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